

**REMARKS**

The Examiner's Action mailed on February 9, 2006, has been received and its contents carefully considered.

In this Amendment, Applicants have amended claims 1, 7, 11 and 14, cancelled claims 2 and 5, and added new claims 18-25. Excess claim fees of \$150 are submitted herewith. Claims 1, 11 and 18 are the independent claims, and claims 1, 3-4 and 6-25 are pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

Applicants wish to thank the Examiner for the indication of allowable subject matter in claim 5. The features of claims 2 and 5 have now been incorporated into claims 1 and 11.

Claims 1-4, 6, 8-13 and 15-17 were rejected under 35 U.S.C. §103(a) as being obvious over Hwang (United States Patent No. 6,348,024). This rejection is respectfully traversed.

Claims 1 as amended recites “a plurality of connectors, each of which is **detachably** disposed between at least one tread and at least one riser, to hold the at least one tread and the at least one riser in a step configuration when deployed in the stairclimber configuration; wherein the treads are rendered coplanar with the risers by **removing** the connectors and deploying the treads in the treadmill configuration”, claim 11 similarly recites “a plurality of connectors, each of which is **detachably** disposed between at least one tread and at least one riser, to hold the

at least one tread and the at least one riser in a step configuration when deployed in a stairclimber configuration; wherein the treads are rendered coplanar with the risers by **removing** the connectors and deploying the treads in a treadmill configuration" and new claim 18 recites that "the stairclimber configuration and the treadmill configuration do **not** exist simultaneously" (emphasis added).

Support for these claim limitations can be found, for example, in the specification at page 6, line 28 to page 7, line 4:-

When the connectors **34** are all removed according to the first deployment shown in Fig. 3D, for example, the treads (**31a, 32a, 33a...**) and the risers (**31b, 32b, 33b...**) rotate to lie on the transmission device **30** and form a consecutive surface thereon, and the elevating device **35** is retracted to return the body **30b** substantially to a horizontal orientation, enabling treadmill function.

Hwang shows, for example in FIG. 2, a stepwise slope region **100** and a platform region **110** that exist simultaneously in the tread exercising machine **1**. This enables the tread exercising machine **1** of Hwang to provide mountain climbing and walking exercising actions at the same time, without changing the configuration of the machine.

The Office Action states that FIG. 5 of Hwang shows that "the treads are rendered coplanar with the risers by **rotating about the connectors** and deploying the treadmill configuration" (emphasis added), but Hwang does not

disclose removing the connectors, or that the connectors are **detachably** disposed.

The Office Action admits that "Hwang does not specifically detail a panel", and alleges that it would be obvious to provide "a panel for enabling input operational settings", but this is effectively moot, as the panel is now claimed only in dependent claims.

Turning to the present invention, preferred embodiments will now be discussed. FIG. 3A shows the first embodiment of the exercise device **E1**, and FIG. 3B shows the second embodiment of the exercise device **E1'**. In these views the exercise device **E1** or **E1'** is simply shown deployed in the stairclimber configuration, and no treadmill configuration is simultaneously presented to the user by the exercise device **E1** or **E1'**. In a similar way, FIG. 4A shows the first embodiment of the exercise device **E1** in the treadmill configuration and does not show the stairclimber configuration. That is to say, the stairclimber configuration and the treadmill configuration do not simultaneously exist in the present invention.

Moreover, when the connectors **34** are removed, the treads **31a**, **32a**, **33a**... and the risers **31b**, **32b**, **33b**... rotate to lie on the transmission device **30** and form a consecutive surface thereon, and the elevating device **35** is retracted to return the body **30b** substantially to the horizontal orientation, thus enabling the exercise device to function as a treadmill, as shown in Fig. 4A.

In contrast, Hwang does not teach or suggest that the mountain climbing action or the walking action can be provided individually. No evidence shows that the mechanism of Hwang's exercising machine can alter the whole machine from the mountain climbing action to the walking action, or vice versa, and certainly not by removing detachable connectors.

Hence, Hwang fails to teach or suggest either "a plurality of connectors, each of which is **detachably** disposed between at least one tread and at least one riser" or "wherein the treads are rendered coplanar with the risers by **removing** the connectors and deploying the treads" in the treadmill configuration or that "the stairclimber configuration and the treadmill configuration do **not** exist simultaneously" (emphasis added). Claims 1, 11 and 18, and the claims that depend therefrom, are therefore allowable over Hwang

Claims 7 and 14 were rejected under 35 U.S.C. §103(a) as being obvious over Hwang (United States Patent No. 6,348,024) in view of Brentham (United States Patent No. 5,114,389). This rejection is respectfully traversed.

Brentham discloses a stair climber exercise device employing a double acting hydraulic cylinder **70** "used to resist movement of pedal arm **41** when moved by the user", not as an "elevating device", see for example column 5, lines 1-4. It is therefore respectfully submitted that Brentham is entirely irrelevant to the allowability of claims 7 and 14, which recite "wherein the elevating device is a hydraulic device".

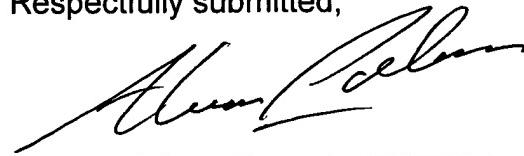
As claims 7 and 14 are dependent from allowable claims 1 and 11 respectively, and Brentham also fails to teach or suggest either "a plurality of connectors, each of which is **detachably** disposed between at least one tread and at least one riser" or "wherein the treads are rendered coplanar with the risers by **removing** the connectors and deploying the treads" in the treadmill configuration (emphasis added), claims 7 and 14 are also allowable for at least this additional reason.

It is submitted that this application is in condition for allowance. Such action and the passing of this case to issue are requested.

Should the Examiner feel that a conference would help to expedite the prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

Should the remittance be accidentally missing or insufficient, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 18-0002, and advise us accordingly.

Respectfully submitted,



April 11, 2006  
Date

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AMENDMENT

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